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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,559	06/04/2002	Dominique Chatard	WSP:203-US	7524
7590 12/16/2003			EXAMINER	
Simpson & Simpson PLLC 5555 Main Street Williamsville, NY 14221			DAVIS, ROBERT B	
			ART UNIT	PAPER NUMBER
			1722	
DATE MAILED: 12/16/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,559

Applicant(s)

CHATARD ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 14-17 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 18-20 and 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/30/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The abstract of the disclosure is objected to because it is more than one paragraph and includes more than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1, 14-16, 21, 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mock (WO 98/06559: figures 1-3) taken together with Collombin (WO 97/13632: figures 1-5), Scheffer (4,457,352: figures 2 and 3 and column 6, lines 29-48) and Ryder (4,473,515: figures 4 and 5, and column 12, lines 17-35).

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Mock discloses an apparatus for stretch blow molding a parison (1) into a container (4), the device comprising: means for heating the preform, a receiving portion (14) for holding and sealing an open end of the parison, the receiving portion (14) having an axial channel for receiving a stretch rod (13), a movable stretching rod (13) arranged to be guided axially through the receiving portion axial channel, a metering unit (21), a tubular line (17) connecting the metering unit with the receiving portion, and an igniter (15) positioned within the parison. It appears inherent that the tubular line (17) has a valve between the metering unit and the receiving portion, but such is not explicitly stated. The reference does not disclose a module that seals with the receiving portion or cooling means for the blow mold.

Collombin discloses a stretch blow molding machine comprising: a receiving portion (7) having an axial passageway for a stretch rod (32) and a bottom tapered opening (57), wherein the parison receiving portion is widened and a centering ring (38) is positioned therein to seal the bottom of the parison, a distributor module having a module axial channel for the stretch rod, a tapered sealing surface (56) of the module seals against tapered opening (57) of the receiving portion, the module further having a connector (60) to a gas source. The receiving portion and the distributor module are manufactured in two pieces so that the receiving portion is portable and can be moved throughout the apparatus to support the parison as illustrated in figure 1.

Scheffer discloses a molding apparatus comprising a combustible gas source, a tubular line for feeding the combustible gas and a check valve (column 6, lines 29-48)

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that prevents blow back of combustible gases and air through the system when ignited to prevent line rupture.

Ryder discloses an stretch injection blow molding machine wherein the blow molds (126, 126) having cooling channels (128) to allow cooling of the blow molded container to stabilize the container and increase cycle time by allowing the product to be demolded in less time due to the forced cooling.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Mock by using a receiving means and a distributor module in two pieces as disclosed by Collombin as such a design allows for the receiving module to be portable and thus able to support the parison throughout the heating, molding and demolding steps. It would have been further obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Mock by using a check valve between a combustible gas source and a destination as disclosed by Scheffer for the purpose of preventing blow back through the process pipes at ignition of the gas to prevent line breakage and uncontrolled explosions. It would have been further obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Mock by using a mold with cooling means as disclosed by Ryder for the purpose of increasing mold cycle time by increasing the cooling speed of the blown article in the mold.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mock taken together with Collombin, Scheffer and Ryder as applied to claims 1, 14-16, 21, 22,

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25 and 26 above, and further in view of Japanese reference (56-27330: figure1-3 and abstract).

The combination of Mock, Collombin, Scheffer and Ryder disclose all claimed features except for the stretching rod being hollow and has at least one outlet aperture, a fluid inlet and an internal channel connecting the inlet and outlet.

The Japanese reference discloses a stretch blow molding apparatus comprising: a hollow stretch rod (4) having a passage (5) for a combustible gas, which has an inlet and an outlet on the stretch rod surface.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Mock by using a hollow stretch rod which has a gas passage extending between an inlet and outlet as disclosed by the Japanese reference for the purpose of supplying gas directly into the mold cavity wherein the hollow construction allows for a plurality of different pieces to be contained within the stretch rod such as the igniter which protects it from being damaged by merely sticking out from the receiving portion as shown by Mock.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mock taken together with Collombin, Scheffer and Ryder as applied to claims 1, 14-16, 21, 22, 25 and 26 above, and further in view of Kleimenhagen et al (4,214,860: figures 3 and 5).

The combination of Mock, Collombin, Scheffer and Ryder disclose all claimed features except for the distributor module having a piston having the sealing surface with the receiving portion.

Kleimenhagen et al disclose a stretch blow molding machine comprising a receiving portion (67) supporting a parison (40), a distributor module (13) having a movable piston (64) that has a sealing surface (67) which seals against the bottom of the receiving portion (67), wherein the distributor module and receiving portion have an axial passageway for a stretch rod (75). The distributor module also has a seal between the edges of the piston and module body.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of the combination of Mock and Collombin by using a distributor module that contains a movable piston that seals against the receiving portion as such a design results in a reduction of parts as compared with the structure of Collombin as Collombin uses a piston and cylinder separate from the distributor module to move the module.

Allowable Subject Matter

7. Claims 18-20 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: In regards to claims 18 and 20, none of the prior art of record teaches or suggests an apparatus of claim 14 wherein the check valve being located within the stretching die or rod. In regards to claim 27, none of the prior art teach or suggest the apparatus of claim 14 wherein the hollow piston is provided with an annular seat on an end facing the receiving portion, and the stretching die (or rod) carries a widened

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portion perpendicular to its longitudinal axis on an end movable into the container to be manufactured for engagement with the sealing seat.

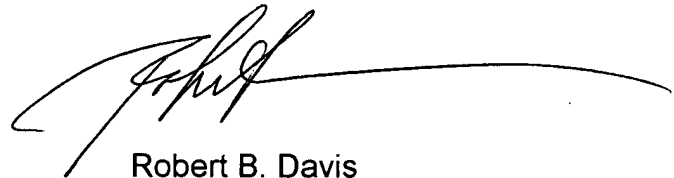
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show the state of the art of stretch blow molding machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Robert B. Davis
Primary Examiner
Art Unit 1722

12/9/03